



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

COMMITTEE ON PUBLIC WORKS, INFRASTRUCTURE AND SUSTAINABILITY

Voting Members:

Carol Fukunaga, Chair
Ann H. Kobayashi, Vice Chair
Brandon J. C. Elefante
Joey Manahan
Trevor Ozawa

MINUTES

REGULAR MEETING
WEDNESDAY, MAY 3, 2017

COUNCIL COMMITTEE MEETING ROOM
2ND FLOOR, HONOLULU HALE
HONOLULU, HAWAII 96813

Note: A copy of the video of the full proceedings of this meeting may be requested by calling the City Clerk's Office at 768-5822.

CALL TO ORDER

The regular meeting of the Committee on Public Works, Infrastructure and Sustainability was called to order by Committee Chair Carol Fukunaga at 1:05 p.m. Voting Members Elefante, Kobayashi, Manahan and Ozawa were present at the meeting.

STAFF PRESENT

Doris Lam, Administrative Assistant to Committee Chair Fukunaga
Lloyd Yoshioka, Attorney, Office of Council Services
Andrew Sekine, Analyst, Office of Council Services
Kamilla Chan, Deputy, Department of the Corporation Counsel, assigned to the Committee
Cynthia Nakazaki, Council Committee Aide, Office of the City Clerk

ORDER OF BUSINESS

APPROVAL OF MINUTES

The minutes of the Committee on Public Works, Infrastructure and Sustainability meeting held on April 5, 2017 were approved as circulated.

AYES: ELEFANTE, KOBAYASHI, MANAHAN, FUKUNAGA - 4.
NOES: None.
EXCUSED: OZAWA - 1.

FOR ACTION

1. BILL 59 (2016), CD1 – COMMITTEE REPORT 185

RELATING TO THE USE OF BAGS PROVIDED TO CUSTOMERS. Regulating the use of bags provided to customers.

The following amendment was posted on the agenda:

PROPOSED CD2 TO BILL 59 (2016), CD1 (Submitted by Councilmember Fukunaga) – The CD2 (OCS2017-0447/4/25/2017 2:10 PM) makes the following amendments:

- A. Section 1 of the Bill is amended to add findings regarding the Council's intent concerning the amendments in the Bill.
- B. The definitions for "Compostable plastic bag" and "Reusable bag" are deleted and the definition for "Plastic checkout bag" is amended.
- C. Section 9-9.2 is amended to prohibit businesses from providing plastic checkout bags and non-recyclable paper bags unless the business charges a fee of not less than ten cents per bag. Businesses may provide bags, with or without charge, to protect or transport prepared foods, beverages, or bakery goods.
- D. The effective date of the Bill is changed from July 1, 2017 to July 1, 2018.
- E. Makes technical and nonsubstantive changes.

The following amendment was circulated at the meeting:

PROPOSED CD2 TO BILL 59 (2016), CD1 (Submitted by Councilmember Elefante) – The CD2 (OCS2017-0377/4/4/2017 3:57 PM) makes the following amendments:

- A. Adds the following to SECTION 1 ("Purpose"): "To protect health, life and property and preserve the order and security of the City and its inhabitants, and in furtherance of the findings and determinations set forth in Revised Ordinances of Honolulu 1990, as amended, Section 9-1, relating to the collection and disposal of refuse, this ordinance is intended to reduce the volume of plastic and non-recyclable paper bags that are disposed of as solid waste."

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- B. Amends the definition of “Reuseable bag” in ROH Sec. 9-1.1 by retaining the current requirement that reuseable bag plastic material be at least 2.25 mils thick and adding, “After January 1, 2020, plastic bags shall no longer be considered to be ‘reusable bags.’”
- C. Amends ROH Section 9-9.2 to read:

“Sec. 9-9.2 ~~[Ban on]~~ Regulation of plastic checkout bags and nonrecyclable paper bags.

Businesses shall be prohibited from providing plastic checkout bags and non-recyclable paper bags to their customers at the point of sale; provided that reusable bags or recyclable paper bags may be provided to customers for the purpose of transporting groceries or other merchandise [-] if the business charges the customer a fee of not less than ten cents per bag. Nothing in this article shall preclude a business from making available to customers, with or without charge, at the point of sale~~[- 1) reusable bags, compostable plastic bags, or recyclable paper bags for the purpose of transporting groceries or other merchandise; or 2)]~~, non-recyclable paper bags to protect or transport prepared foods, beverages, or bakery goods.”
- D. Changes the effective date from July 1, 2017, to January 1, 2018.
- E. Makes miscellaneous technical and nonsubstantive amendments

The following amendment was circulated at the meeting:

PROPOSED CD2 TO BILL 59 (2016), CD1 (Submitted by Councilmember Fukunaga)
– The CD2 (OCS2017-0492/5/2/2017 4:53 PM) makes the following amendments:

- A. Amends Section 1 of the Bill to add findings regarding the Council's intent concerning the amendments in the Bill.
- B. Deletes Section 2 of the Bill.
- C. Amends ROH Section 9-9.2 to require that businesses charge a minimum of 10 cents per bag when offering reusable bags, compostable plastic bags, or recyclable paper bags for the purpose of transporting groceries or other merchandise. Businesses may provide non-recyclable bags, with or without charge, to protect or transport prepared foods, beverages, or bakery goods.

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- D. Changes the effective date of the Bill is changed from July 1, 2017 to July 1, 2018.
- E. Makes technical and nonsubstantive changes.

Administration/Others

Tim Houghton, Deputy Director, ENV

Committee Chair Fukunaga announced that the posted proposed CD2 had been superseded by the Committee Chair's handcarried proposed CD2 (OCS2017-0492/5/2/2017 4:53 PM) and reviewed the amendments.

The Committee Chair then deferred to Committee Member Elefante to explain his handcarried proposed CD2 amendments (OCS2017-0377/4/4/2017 3:57 PM).

Deputy Director Houghton provided the Department's perspective on the various proposed CD2s.

In response to Committee Member Elefante, the Deputy Director stated that businesses currently are able to charge a fee for plastic bags or provide a bag credit without it being mandated.

The following individuals testified:

- 1. David Hong, Island Plastic Bags (comments)
- 2. Carol Janezic (oppose CD1, CD2) (M-2350)
- 3. Jodi Malinoski, Sierra Club of Hawaii, Oahu Group (comments, oppose Councilmember Fukunaga's CD2, support Councilmember Elefante's CD2) (M-2354 oppose CD2)

In response to Committee Member Elefante, Ms. Malinoski stated that Committee Chair Fukunaga's CD2 does not go far enough to eliminate plastics in the environment. They would be able to support her CD2 if it was amended to sunset the bags.

- 4. Stuart Coleman, Surfrider Foundation and Rise Above Plastic Coalition (comments) (M-2328 oppose CD2)
- 5. Lauren Zirbel, Executive Director, Hawaii Food Industry Association (support Councilmember Fukunaga's CD2 versions) (M-2386)
- 6. Katherine Kupukaa (oppose)

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7. Suzanne Frazer, President, Beach Environmental Awareness Campaign Hawaii (B.E.A.C.H.) (oppose CD1, CD2) (M-2338 oppose CD1)
8. Dean Otsuki (oppose CD1, CD2) (M-2361)

In response to Committee Chair Fukunaga, Deputy Director Houghton relayed that discussions were not conducted with recycling vendors to discuss alternative ways to reduce litter with trash cans designed to keep trash from blowing out.

Committee Chair Fukunaga explained that the Committee was trying to find the greatest level of consensus among the industry and community stakeholders, the Administration, and others. Currently, she sees that there is a level of consensus with her proposed CD2 which contains the following points:

- Affirming the City's authority to impose a bag fee as a means to reduce plastic.
- Retaining the exemptions for food products and other prepared goods.
- Extending the effective date to allow stakeholders an opportunity to craft an implementation plan.

Committee Member Elefante offered to further amend the Bill to his handcarried version of the proposed CD2.

Committee Member Manahan spoke in support of Committee Member Elefante's version.

Committee Chair Fukunaga stated that her CD2 version leaves open the opportunity to continue dialogue among everyone. The goal is to develop a consensus on language that reduces plastic that everyone can agree upon. The issue is not only of environmental protection but also a concern of business survivability. Imposing requirements on disposing bags improperly should also be weighed. The Committee Chair noted that she would support further expansion of the Bill if those involved would be able to come to an agreement before the meeting of the full Council.

Committee Member Ozawa stated that he would support the Committee Chair's recommendation and commented that constituents in his district requested statistics that confirm that the ban would improve the environmental quality of Honolulu.

Committee Member Kobayashi spoke in support of Committee Chair Fukunaga's recommendation.

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Committee Chair Fukunaga recommended that the Bill be amended to the Committee Chair's proposed handcarried CD2 and be reported out for passage on third reading.

Committee Member Elefante stated his opposition to the recommendation and for the record noted the following;

- Currently businesses are able to charge a fee or provide a bag credit without legislation.
- The legislation does not effectively balance both sides of the business or environmental issues.
- Neighbor island counties have passed ordinances that go further than Honolulu's legislation.

Committee Member Elefante stated that he had filed a Disclosure of Interest Statement (Communication CC-79).

Bill 59 (2016), CD1 amended to the handcarried CD2 (OCS2017-0492/5/2/2017 4:53 PM) and reported out for passage on third reading.

AYES: KOBAYASHI, MANAHAN, OZAWA, FUKUNAGA - 4.
NOES: ELEFANTE - 1.

Related communications:

CC-79	Councilmember Brandon Elefante, filing a Disclosure on Interest Statement.
D-319	Natalie Iwasa, Chairperson, Hawaii Kai Neighborhood Board (oppose CD1)
M-2308	Griselda Alvarez (oppose CD1, CD2)
M-2309	Victoria Anderson (oppose CD1, CD2)
M-2310	David Atcheson (oppose CD1, CD2)
M-2311	Emily Badillo (oppose)
M-2312	Kevin Baetscher (oppose)
M-2313	Laura Bailes (oppose CD2)
M-2314	Lisa Bishop, Friends of Hanauma Bay (oppose CD2)
M-2315	Madison Bloom (oppose CD1, CD2)
M-2316	Ted Bohlen (comments)
M-2317	Dyon Buitenkamp (oppose)
M-2318	Amy Cady (oppose CD1, CD2)

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M-2319	David Cady (oppose CD1, CD2)
M-2320	Jonathan Cady (oppose CD1, CD2)
M-2321	Mackenna Cady (oppose CD1, CD2)
M-2322	Nina Reppun Carney (oppose CD1, CD2)
M-2323	Beth Cheng-Leever (support)
M-2324	Kevin Ching (comments)
M-2325	Laakea Ching (oppose CD1, CD2)
M-2326	Ginger Chock (oppose CD1, CD2)
M-2327	Brenda Clark (oppose CD1, CD2)
M-2329	DeMont Conner, Ho'omana Pono, LLC (support)
M-2330	Lorri Crockett (oppose CD1, CD2)
M-2331	Meagan Dailey (oppose CD1, CD2)
M-2332	Keith Dane, The Humane Society of the United States (oppose CD1, CD2)
M-2333	Naomi Egami (oppose CD1)
M-2334	Ava Fedorov (oppose CD1, CD2)
M-2335	Reid Fowler (oppose CD2)
M-2336	Lauren Fraser (oppose CD2)
M-2339	Suzanne Frazer, President, Beach Environmental Awareness Campaign Hawaii (oppose CD2)
M-2340	Cathy Goeggel, Animal Rights Hawaii (oppose CD1, CD2)
M-2341	Alberto Gonzalez (oppose CD1, CD2)
M-2342	Kuulei Gunderson (oppose CD1, CD2)
M-2343	Brian Heithaus (oppose CD1, CD2)
M-2344	Taylor Henley (oppose CD1, CD2)
M-2345	Christina Higgins (oppose CD1, CD2)
M-2346	Jessica Anela Hodge (support)
M-2347	Adrian Hong, Island Plastic Bags, Inc. (comments)
M-2348	Feel Ideal (oppose CD1, CD2)
M-2349	Neil Ishida, ABC Stores (support)
M-2351	Hideki Kimukai (oppose CD2)
M-2352	Lois Lee (oppose CD1, CD2)
M-2353	Brodie Lockard, 350hawaii.org (oppose CD2)
M-2355	Markl (oppose CD1, CD2)
M-2356	Beth McDermott (oppose)
M-2357	Javier Mendez (oppose CD1, CD2)
M-2358	Andrea Nandoskar (comments)
M-2359	Kay O'Keefe (oppose CD1, CD2)
M-2360	Aria Orr (oppose CD1)
M-2362	Maryann Overstreet (oppose CD1, CD2)
M-2363	Kahi Pacarro, Sustainable Coastlines Hawaii (oppose CD1)
M-2364	Mary Ann Pahukoa (oppose CD1, CD2)

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M-2365	Natalie Parra, Keiko Conservation (oppose CD1, CD2)
M-2366	Sugandha Pomaski (oppose CD1, CD2)
M-2367	Raffaella (oppose CD2)
M-2368	Doris Resch (oppose CD1, CD2)
M-2369	Ben Robinson (oppose)
M-2370	Mara Rodriguez (oppose CD1, CD2)
M-2371	Sherryl Royce (oppose CD1, CD2)
M-2372	Carie Sarver (oppose)
M-2373	Janet Joy Sax (oppose CD1, CD2)
M-2374	Terry Shimabukuro (oppose CD1, CD2)
M-2375	San Shoppell (oppose CD1)
M-2376	Garry Smith (oppose)
M-2377	Stacy (oppose CD1, CD2)
M-2378	Kaitlin Thomas (oppose CD1, CD2)
M-2379	Reuben Watanabe (oppose CD1, CD2)
M-2380	Joy Waters (oppose CD1, CD2)
M-2381	Terry Webber (oppose CD1, CD2)
M-2382	Tina Yamaki, Retail Merchants of Hawaii (support CD2)
M-2383	George Yarbrough (oppose CD2)
M-2384	Zack (oppose CD1, CD2)
M-2385	Marjorie Ziegler, Conservation Council for Hawaii (oppose CD2)
M-2395	Emily Schmitz (oppose CD1)
M-2396	Alisa H. (oppose CD1)
M-2397	Ehren Kirkham (oppose CD1)
M-2398	Eriane Domingo (oppose CD1)
M-2399	Chriselda Jones (oppose CD1)
M-2400	Elisabeth Jordan-Pagduan (oppose CD1)
M-2401	Charles Jones (oppose CD1)
M-2402	Brooke Beltran (oppose CD1)
M-2403	Shayla Ogawa (oppose CD1)
M-2404	Allysen Reece Guerrero (oppose CD1)
M-2405	Olena U. (oppose CD1)
M-2406	Namaka Brock (oppose CD1)
M-2407	Madysen Gant (oppose CD1)
M-2408	Kate Raquel Cooper (oppose CD1)
M-2409	Andre Guerrero (oppose CD1)
M-2410	Aldrin-Jay Javier (oppose CD1)
M-2411	Katrina Carter (oppose CD1)
M-2412	Megan Fontanilla (oppose CD1)
M-2413	Lydia Carter (oppose CD1)
M-2414	Natalie Tulba (oppose CD1)
M-2415	Crispin Jacob (oppose CD1)

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M-2416	Kristabelle Nartatez (oppose CD1)
M-2417	Mikayla Mula (oppose CD1)
M-2418	Kylie Carrasco (oppose CD1)
M-2419	Jonathan Lopez (oppose CD1)
M-2420	Khevin Reglos (oppose CD1)
M-2421	Faith Doronio (oppose CD1)
M-2422	Adja Lalla Kone (oppose CD1)
M-2423	Brayden Butay (oppose CD1)
M-2424	Owen Strong (oppose CD1, CD2)
M-2425	Hauherenui Peters (oppose CD1, CD2)
M-2426	Ichiro Asano (oppose CD1, CD2)
M-2427	Kialoa Fermantez (oppose CD1, CD2)
M-2428	Makana Kanaiaupuni (oppose CD1, CD2)
M-2429	Keanu Flores-Lum (oppose CD1, CD2)
M-2430	Dayevin Bunao (oppose CD1, CD2)
M-2431	Cullen Meyers (oppose CD1, CD2)
M-2432	Ryan Ogino (oppose CD1, CD2)
M-2433	Logan K. (oppose CD1, CD2)
M-2434	Melissa Garcia (oppose CD1, CD2)
M-2435	Leina'ala Kahili-Salasa (oppose CD1, CD2)
M-2436	Jacob Edwards (oppose CD1, CD2)
M-2437	Macky Coleman, (oppose CD1, CD2)
M-2438	Dax Martin (oppose CD1, CD2)
M-2439	Brooke Baba (oppose CD1, CD2)
M-2440	Kamuela Miller (oppose CD1, CD2)
M-2441	Kupono Blake (oppose CD1, CD2)
M-2442	Devin Jicha (oppose CD1, CD2)
M-2443	Eric Stone (oppose CD1, CD2)
M-2444	Kenrich Fong (oppose CD1, CD2)
M-2445	Dani Quigley (oppose CD1, CD2)
M-2446	Kaylee-Brooke Manuel (oppose CD1, CD2)
M-2447	Brenton Sasaoka (oppose CD1, CD2)
M-2448	Alyssa Kahiapo (oppose CD1, CD2)
M-2449	Kananiokakai Guerrero (oppose CD1, CD2)
M-2450	Cloe Paet (oppose CD1, CD2)
M-2451	Honu Gasper (oppose CD1, CD2)
M-2452	Jaeda Cazimero (oppose CD1, CD2)
M-2453	Tanner Young (oppose CD1, CD2)
M-2454	Mary Christina Kaleiola Hueu (oppose CD1, CD2)
M-2455	Micah Rickard (oppose CD1, CD2)
M-2456	Chelsea Dudoit (oppose CD1, CD2)
M-2457	Zanen-Storm Samoa (oppose CD1, CD2)

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M-2458	Candido Manatad IV (oppose CD1, CD2)
M-2459	Shaylan Horita-Wong (oppose CD1, CD2)
M-2460	Kamryn Omatsu (oppose CD1, CD2)
M-2461	Dillon Maloney (oppose CD1, CD2)
M-2462	Keely Lau (oppose CD1, CD2)
M-2463	Alec Serrao (oppose CD1, CD2)
M-2464	Mahealani Aki (oppose CD1, CD2)
M-2465	Akalea Kaponu (oppose CD1, CD2)
M-2466	Aleeyah Galdeira (oppose CD1, CD2)
M-2467	Alfred Horner (oppose CD1, CD2)
M-2468	Leah Feato (oppose CD1, CD2)
M-2469	Brayden Burnett (oppose CD1, CD2)
M-2470	Onyx Kaimana Freitas (oppose CD1, CD2)
M-2471	Victoria Breault (oppose CD1, CD2)
M-2472	Tehani Malterre (oppose CD1, CD2)
M-2473	Leeya Alama-Francis (oppose CD1, CD2)
M-2474	Isabelle Kuni (oppose CD1, CD2)
M-2475	Alana Vivas (oppose CD1, CD2)
M-2476	Julian Gaison (oppose CD1, CD2)
M-2477	Tyson Akiona (oppose CD1, CD2)
M-2478	Sierra Kanoa (oppose CD1, CD2)
M-2479	Shannyn Soliven (oppose CD1, CD2)
M-2480	Wailana Bukoski (oppose CD1, CD2)
M-2481	Harley Kinney (oppose CD1, CD2)
M-2482	Hayley Silipa (oppose CD1, CD2)
M-2483	Conor Higgins (oppose CD1, CD2)
M-2484	Miranda Bungsay (oppose CD1, CD2)
M-2485	Teah Forsythe (oppose CD1, CD2)
M-2486	Braden Akima (oppose CD1, CD2)
M-2487	Sunn Richardson (oppose CD1, CD2)
M-2488	Ezra Murakami (oppose CD1, CD2)
M-2489	Welo Gosline-Niheu (oppose CD1, CD2)
M-2490	Danielle Tuscher (oppose CD1, CD2)
M-2491	Josiah Hernandez (oppose CD1, CD2)
M-2492	Larry Driggers (oppose CD1, CD2)
M-2493	Tyler Lindt (oppose CD1, CD2)
M-2494	Caleb Santa Monica (oppose CD1, CD2)
M-2495	Kealii Peterson (oppose CD1, CD2)
M-2496	122 student testimonies in opposition to Bill 59, CD1 and Bill 59, CD2.
P-15	Opposing Bill 59 (2016), CD2 (141 signatures)
P-16	Opposing Bill 59 (2016), CD1 (515 signatures)

2. BILL 43 (2016) – COMMITTEE REPORT 184

RELATING TO THE PLUMBING CODE. Updating the Plumbing Code of the City and County of Honolulu. (Bill consecutively referred to Committee on Public Works, Infrastructure and Sustainability, Committee on Zoning and Housing)

Administration/Others

Tim Hiu, Deputy Director, Department of Planning and Permitting (DPP)

There was no public testimony.

Deputy Director Hiu reported that the DPP stands by their previous testimony and is in favor of adopting the 2012 Uniform Plumbing Code. The DPP is currently analyzing the proposal and would be submitting amendments.

Committee Chair explained that State House Bill 637, identified as Communication CC-159, seeks to clarify that should no action be taken within two years by the State Building Code Council (SBCC), the Hawaii State Building Code would then be automatically adopted. The adoption and Governor's concurrence of the measure would allow the Committee on Public Works, Infrastructure and Sustainability to move forward on the measure. However, the Committee is still awaiting opinion from the State Attorney General's Office on whether individual counties would be able to move forward independently of the SBCC in considering newer versions of the State Building Code.

Office of Council Services Attorney Yoshioka explained the consecutive referral process.

Committee Chair Fukunaga recommended that the Bill be referred to the Committee on Zoning and Housing for further consideration pursuant to its consecutive referral.

Bill 43 (2016) referred to the Committee on Zoning and Housing.

AYES: ELEFANTE, KOBAYASHI, MANAHAN, OZAWA, FUKUNAGA - 5.

NOES: None.

Related communications:

CC-159 Councilmember Carol Fukunaga, submitting status on H.B. 637, HD2, SD2, CD1.

M-2387 Reginald Castanares, Plumbers and Fitters Local 675 (support)

3. BILL 38 (2017)

RELATING TO CONSTRUCTION AND DEMOLITION DEBRIS. Addressing the recovery of construction and demolition debris.

Administration/Others

Robert Kroning, Director, Department of Design and Construction (DDC)

There was no public testimony.

Committee Member Kobayashi, the introducer, explained that the intent of the Bill is to encourage the City to take the lead in recycling and reusing materials from demolished structures and to save historical artifacts, and vintage windows and doors.

Director Kroning, reported that the Department supports the intent of the Bill and the recycling of construction and demolition debris. However, the insertion of language giving the City oversight of the program would burden the Department. The DDC would need to hire staff to develop a plan and hire additional inspectors to provide oversight.

The Director also noted that contractors currently do recycle because the value of materials such as copper and wood makes it economically beneficial. The contractors also are able to save money on landfill fees by saving and reusing materials. Landfill operators provide another level of recycling and are able to salvage more of the debris.

Committee Member Kobayashi noted that she would request deferring the measure if it would move City projects faster without adding another layer of bureaucracy.

Action on Bill 38 (2017) deferred.

AYES: KOBAYASHI, MENOR, OZAWA, PINE, FUKUNAGA - 5.
NOES: None.

Related communication:

D-320 Robert J. Kroning, Director, Department of Design and Construction
(oppose)

4. BILL 43 (2017) – COMMITTEE REPORT 186

RELATING TO THE MAINTENANCE OF CHANNELS, STREAMBEDS, STREAMBANKS AND DRAINAGEWAYS. Amending the conditions a private stream owner is held to maintain, dredge and clear such stream.

Administration/Others

Ross Sasamura, Director, Department of Facility Maintenance

Committee Member Manahan, the introducer, explained that the DFM provided amendments to the existing Revised Ordinance of Honolulu to clarify which agency would enforce the compliance of property owners in maintaining waterways.

Director Sasamura spoke in support of the Bill and requested the Committee's consideration in moving the measure forward.

The following individual testified:

Stephen Kabei (comments) (M-2388 support)

Bill 43 (2017) reported out for passage on second reading and scheduling of a public hearing.

AYES: ELEFANTE, KOBAYASHI, MANAHAN, OZAWA, FUKUNAGA - 5.
NOES: None.

Related communications:

M-2389 Gerald and Diane Sumida (support)
M-2390 Lynn Tagawa (comments)
M-2391 Gertrude Tomokiyo (comments)

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ADJOURNMENT

There being no further business, the meeting was adjourned at 2:37 p.m.

Respectfully submitted,

GLEN I. TAKAHASHI
City Clerk

cn

DATE APPROVED

June 28, 2017